

POTPOURRI NOTICE

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Section 112(j) Amendments (Log #0204Pot2)

In the April 5, 2002, *Federal Register*, EPA promulgated revisions to Sections 112(g) and 112(j) of the Clean Air Act Amendments of 1990. The rule is titled, "National Emission Standards for Hazardous Air Pollutants for Source Categories: General Provisions and Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j)." (See 40 CFR Part 63, Subpart B.) The Louisiana Department of Environmental Quality (LDEQ) has incorporated by reference (IBR) the original federal regulation into the Louisiana Administrative Code. (See LAC 33:III.5122.A.) Prior to the April 5, 2002, amendments, the regulation required any facility/source whose source category Part 63 (MACT) Rule has not been promulgated by May 15, 2002, to submit a Title V permit application by that date.

Pursuant to the amendments to the federal regulation, facilities/sources need not submit an entire Title V application. Instead, the facilities/sources must submit a "Part 1" Permit Application by May 15, 2002. The newly promulgated rule may be found at the following web address: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=02-5861-filed.pdf.

The LDEQ has instituted rulemaking actions to update its IBR of the federal regulation to include the recent amendments. The LDEQ anticipates this rulemaking to be complete by May 20, 2002.

If a facility/source fails to submit an entire Title V permit application by May 15, 2002, there will be a 5 to 6-day period when there will be a "technical violation" of the state rule (until the update of the state IBR of the federal regulation as amended is completed). However, facilities/sources should comply with the state rule as proposed by the LDEQ (i.e., the federal regulation as amended). Facilities/sources are advised that LDEQ will use our enforcement discretion and not take any enforcement action against anyone for submitting a "Part 1" application instead of the entire Part 70 application in accordance with existing rule.

James H. Brent
Assistant Secretary